IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 709 OF 2006

Vaibhav Dnyaneshwar Kaulwar. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Shri B.R. Patil for Applicant.
Ms.Rajeshree M. Gadhavi, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 7, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. This is an application for bail. The applicant was arrested on 29th October, 2005 for the offence punishable under Sections 302, 304, 498A, 312 read with Section 34 of the IPC. The applicant was married with the deceased on 24th May, 2005. It is alleged that the dowry of Rs.10 lakhs were fixed out of which Rs.5 lakhs were paid at the time of marriage and Rs.5 lakhs were to be paid before Diwali festival. Since the remaining amount was not paid, the applicant, the mother-in-law and other members of the family continuously harassed

the deceased. The deceased had written various letters to her parents requesting them to rescue her. In these letters, it is alleged that her husband and in laws were treating her with utmost cruelty both mentally and physically.

2. Learned Counsel for the applicant submits that the instances mentioned in the letters would not amount to cruelty as laid down under Section 498-A of the IPC. Further the pregnancy which was terminated was on account of weak embryo and that was with the consent of the deceased and the allegation of termination of pregnancy without consent of the deceased is false and the doctor in her statement has categorically stated that because of weak embryo, the pregnancy is terminated.

3. It is not possible to accept the submission made by the learned Counsel for the applicant. Provisions of Sections 304B and 498A were specifically incorporated to curb the increasing cases of the dowry deaths in the country. At the time of granting bail, the seriousness

and the gravity of the offence also have to be taken into consideration apart from other factors. There is every possibility of the applicant tampering with the witnesses and further the manner in which the deceased was treated in the house of the applicant, is seen from the letters which are written by her. Under these circumstances, in my view, this is not a fit case for grant of bail.

. Application for bail is rejected.

(V.M. Kanade, J.)